

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Examiner has rejected the claims as being anticipated by, or obvious in view of several references. In response, the claims have been amended and new claims have been added that describe the invention more distinctly. It is respectfully submitted that the limitations introduced herein are found in the original dependent claims therefore the present amendment does not require a new search and should be entered.

Briefly, in one embodiment, the present invention pertains to a novel DVR and method of operating the same. The DVR monitors one or more channels. When a program of interest to a user or viewer is detected on a given channel and time slot, the DVR starts recording the program with the assumption that the viewer will want to watch the program in the near future. To save recording space, the recording or buffering starts at the beginning of the respective time slot. During buffering, the DVR also monitors to see if a user or viewer starts watching the program. If he is, then the buffering continues. In one embodiment, the DVR itself automatically starts showing the program to the user from the beginning. The buffering then continues to the end of the program so that the user can see the whole program.

However, if a user does NOT start viewing the program within a predetermined time period, the recording stops and the buffer used to record the program is cleared so that it can be ready for the next operation. Moreover, it is

important that if a particular program is being recorded independently of any action of the watcher, then the process is not performed at all. The process of selecting which program to buffer can be performed in a number of different ways. One way is simply to monitor what channels are being watched at what times during a day, a week, a month, etc. A more comprehensive process monitors how long during a time slot a program is being watched. An even more comprehensive process involves determining what kind of shows one or more users watch, and using this information to generate a viewer profile.

In another aspect of the invention, a system is disclosed in which a program is streamed, starting at a particular time and can be received and shown by a plurality of program presentation devices, such as TV sets. The system monitors at least one of these devices. If the program is not being watched at the device, then, as soon as the program starts, a process to automatically buffer or record the program is automatically started. At a later time, if it is determined that a watcher does activate the device to start watching the program, he or she is automatically presented either with the program from the beginning, or with a choice to continue watching the program in progress or to have the program rewind.

It is respectfully submitted that none of the cited references disclose such a method or apparatus. For example, Poslinski discloses methods and systems for caching data from multiple channels simultaneously. Data specifying a set of channels and a prioritization of the set of channels is received. Tuners and cache data are assigned to channels from the set of channels based on the prioritization. Data for the

selected channels is cached simultaneously. The tuners may be within a set-top-box. Trick modes may be used to view portions of programs represented by the cached data. However the reference does not teach buffering a program, stopping the buffering if the program is not being watched within a predetermined time period shorter than the duration of the program and cleaning out the buffer for a next program. The reference further fails to automatically present a program from its beginning when a watcher wants to watch a program.

Some of the claims were also rejected in view of Kaminski. Kaminski describes a systems and methods are provided for managing a time-shift buffer (TSB) that is used for buffering video presentations. One such method includes receiving user input identifying a storage capacity for the TSB and modifying a storage capacity of the TSB such that it is at least substantially equal to the storage capacity identified by the user input. However Kaminski also failures to disclose the features described above and presently claimed.

None of the references disclose or suggest the subject invention and therefore it is respectfully requested that the application be allowed.

Respectfully submitted,

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